

REMARKS/ARGUMENTS

Claims 1-7 and 15 are pending herein.

1. Claims 1, 2, 4-6 and 15 were rejected under §102(e) over Provanzana. This rejection is respectfully traversed.

Claim 1 recites a method for running an electric energy storage system which is set up at an electric energy consumer, wherein a running pattern of charge and discharge of the electric energy storage system is previously programmed and the run of the electric energy storage system is controlled on the basis of the previously programmed running pattern. Figs. 1-5 show examples of previously programmed running patterns wherein the time zone for charging the electric energy storage system is based on the low unit fee for consumed electric energy and is typically during the time zones between 11 p.m. and 8 a.m. the next day.

Provanzana discloses a capacitor based electrical energy storage system which can be set up at an electric energy consumer and is capable of controlling the amount of electric energy by controlling charge and discharge of the capacitors through microprocessors. Applicant respectfully submits, however, that Provanzana does not teach or suggest that a running pattern of charge and discharge is previously programmed and the run of the electric energy storage system is controlled on the basis of the previously programmed running pattern, as presently claimed. Rather, in Col. 10, lines 9-29, as cited by the PTO, Provanzana discloses *real-time monitoring* of the capacitor storage devices and the demand on the power grid in order to determine the optimum time to deliver electric energy to recharge the capacitor storage devices.

In view of the foregoing, Applicant respectfully submits that claim 1 defines patentable subject matter over Provanzana and thus is in condition for allowance.

Claims 2 and 15 depend from claim 1, which Applicant respectfully submits is in condition for allowance for at least the foregoing reasons. Accordingly, Applicant respectfully submits that claims 2 and 15 define patentable subject matter over Provanzana and thus are in condition for allowance.

With regard to claims 4-6, the present application claims priority from JP2000-377,780, filed December 12, 2000 in which Applicant asserts claims 4-6 are supported. This priority date is after the Provisional Application Serial No. 60/239,560 filed by Provanzana on October 10, 2000, but before the Non-Provisional Application Serial No. 09/974,240 filed by Provanzana on October 10, 2001. Applicant respectfully submits that the portions of Provanzana relied upon by the PTO in the rejection of claims 4-6, namely Col. 9, lines 15-31 and Col. 9, line 61--Col. 10, line 38 were not disclosed in the '560 provisional application. In view of the foregoing, Applicant respectfully submits that the effective prior art date of Provanzana with respect to claims 4-6 is October 10, 2001. Therefore, Provanzana does not constitute prior art with respect to claims 4-6 of the present application and the rejection of these claims over Provanzana is improper. Applicant reserves the right to file an English translation of JP '780 at a later time to remove the Provanzana reference against claims 4-6.

In any event, claims 4-6 depend from claim 1, which Applicant respectfully submits is in condition for allowance for at least the foregoing reasons. Accordingly, Applicant respectfully submits that claims 4-6 define patentable subject matter over the prior art and thus are in condition for allowance.

2. Claim 3 was rejected under §103(a) over Provanzana and claim 7 was rejected under §103(a) over Provanzana in view of Suzuki. Claims 3 and 7 depend from claim 1, which Applicant respectfully submits is in condition for allowance for at least the foregoing reasons. Accordingly, Applicant respectfully submits that claims 3 and 7 define patentable subject matter over the prior art and thus are in condition for allowance.

For at least the foregoing reasons, Applicant respectfully submits that this application is in condition for allowance. Accordingly, the PTO is requested to issue a Notice of Allowance as soon as possible.

If the Examiner believes that contact with Applicant's attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicant's attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,



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Date

SPB/SEC/gmh

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